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Decision

Matter of: CACI Technologies, Inc.

File: B-296946

Date: October 27, 2005

Richard J. Webber, Esq., Craig S. King, Esq., and Lisa K. Miller, Esq., Arent Fox PLLC, for the protester.

Lt. Col. Sharon K. Sughru, Department of the Air Force, for the agency.

Glenn G. Wolcott, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably evaluated protester's proposal as failing to comply with mandatory solicitation requirements regarding engineering services and, on that basis, properly determined that protester's proposal was ineligible for award on the basis of initial offers.

DECISION

CACI Technologies, Inc. protests the Department of the Air Force's decision not to award a contract to CACI pursuant to request for proposals (RFP) No. FA8222-04-R-1000 under which the agency sought engineering and technical support services. CACI challenges the agency's determination that CACI's proposal failed to comply with the solicitation requirements.

We deny the protest.

BACKGROUND

The Air Force issued RFP No. FA8222-04-R-1000 in October 2004, seeking proposals to "provide design and engineering/technical support services for the Department of Defense weapon systems, components, and support equipment."¹ Agency Report,

¹ This procurement is the second conducted under the Air Force's Design and Engineering Support Program (DESP); the procurement is frequently referred to as "DESP II."

Tab 8, Performance Work Specification (PWS), at 7. The solicitation contemplated multiple awards of indefinite-delivery indefinite-quantity contracts² with 5-year ordering periods and 7-year performance periods and an aggregate ceiling value of \$1.9 billion.

The solicitation identified a minimum of 43 specific capabilities for which offerors were required to discuss acceptable technical approaches.³ In this regard, the RFP provided that offerors “**must indicate capabilities in at least one sub-element for each systems/applications grouping (A through I) for each functional category (1 through 5).**”⁴ Agency Report, Tab 8, RFP, at 81 (bold in original). The solicitation directed each offeror to “[d]escribe your team’s engineering, technical capability and expertise for each functional category and system/application grouping listed” and provided that, in doing so, the proposal must reference “the alpha and numeric indicator” associated with the particular capability being addressed. Id.

With regard to evaluation of proposals, the RFP establishing the following evaluation factors: mission capability,⁵ past performance, proposal risk, and

² The solicitation stated the agency’s intent to award “approximately fourteen contracts.” Agency Report, Tab 8, RFP, at 93.

³ The PWS contained a matrix of required capabilities with five numbered functional categories listed on the horizontal axis and nine lettered systems/applications (along with sub-elements), to which the functional categories were required to be applied, on the vertical axis. Agency Report, Tab 8, PWS attach. 5.

⁴ The 45 intersections between the five functional capabilities and the nine systems/applications all represented mandatory capabilities, with the exception of two (identified as “D.3” and “I.4”) which the solicitation provided were not mandatory. Agency Report, Tab 8, PWS attach. 5. The horizontal axis of the matrix listed the following numbered functional categories: (1) technical documentation/courseware development; (2) systems design engineering, development; (3) software/firmware; (4) maintenance repair, operational support; and (5) environmental, health & safety. The vertical axis of the matrix listed the following lettered systems/applications: (A) aircraft/air vehicle systems; (B) ground equipment/ground transportation; (C) munitions/missiles; (D) gas generating, dispensing & handling systems; (E) applicable to multiple applications; (F) industrial engineering & infrastructure; (G) ground systems; (H) environmental research; and (I) space systems. Agency Report, Tab 8, PWS attaches. 4, 5.

⁵ Under mission capability, the solicitation identified four subfactors, listed in descending order of importance: technical capability, program management, organization, staff and subcontractor management, and participation of small/disadvantaged/minority businesses. Agency Report, Tab 8, RFP, at 93.

cost/price.⁶ Agency Report, Tab 8, RFP, at 93-94. Under the mission capability factor, the solicitation provided:

The offeror's proposal will be evaluated to determine the extent to which the technical approach demonstrates their ability to meet the full range of DESP II requirements. Their proposal will be evaluated to assure that it clearly demonstrates the offeror's ability to provide the skills, experience, competencies, and capabilities required.

Agency Report, Tab 8, RFP, at 94-95.

Finally, under the heading "Basis for Contract Award," the solicitation stated: "In order for a proposal to result in an awardable contract, it must at least meet all minimum technical requirements." Id. at 92-93.

On or before the November 8 closing date, proposals were submitted by 29 offerors, including CACI. The proposals were subsequently evaluated with regard to, among other things, the extent each proposal adequately described the offeror's capabilities to perform the 43 mandatory requirements.⁷

In evaluating CACI's compliance with the requirements associated with functional category 5, environmental, health, and safety, the agency concluded that CACI's proposal failed to address the engineering capabilities sought and, instead, only discussed construction-type capabilities. In this regard, the PWS expressly cautioned offerors as follows: "Construction cannot be the main purpose of the task order, but rather incidental work required for successful completion of the task order." Agency Report, Tab 8, PWS, at 6. Further, with regard to functional category 5, environmental, health, and safety, the solicitation stated that offerors must be able to:

provide engineering and other professional services to provide for pollution prevention, environmental compliance, and actively pursue the health and well being of military and civilian personnel as a vital component of the weapon system and/or its critical processes. . . . All

⁶ The solicitation stated that mission capability and past performance were equally weighted and the most important factors; that proposal risk was next in importance; and that cost/price was of least importance. Agency Report, Tab 8, RFP, at 93.

⁷ Compliance with the mandatory requirements was evaluated under the technical capabilities subfactor of the mission capability factor, under which the agency assigned adjectival/color ratings of "Exceptional (Blue)," "Acceptable (Green)," "Marginal (Yellow)," and "Unacceptable (Red)." Agency Report, Tab 8, RFP, at 94; Contracting Officer's Statement at 4.

engineering solutions submitted to the Air Force shall require consideration of the impact to the environment and to the worker's health and safety.

Agency Report, Tab 8, PWS, at 21.

In the section of CACI's proposal in which CACI attempted to address the solicitation requirements for environmental, health, and safety with regard to "multiple applications" (the requirement identified as "E.5" in the matrix),⁸ CACI's proposal stated:

For the reconstruction efforts at Andersen AFB, Guam, [CACI's subcontractor] is currently installing 30 backup generators with fuel tanks at 30 buildings. The project also includes replacing blast doors on 114 munitions storage buildings and burial of overhead electrical distribution lines. Based on [CACI's subcontractor's] performance to date, AFCEE [Air Force Center for Environmental Excellence] has selected [CACI's subcontractor] for eight additional projects.

Agency Report, Tab 7, CACI Proposal, at III-53.

In evaluating CACI's proposal with regard to the "E.5" requirement, the agency concluded that CACI's proposal discussed only construction-type activities, not the engineering work contemplated by the solicitation. Specifically, the agency's source selection decision concluded:

[CACI's] proposal narrative failed to identify the engineering-type work required as defined in the Performance Work Specification for this Functional Category. CACI's proposal discussed the installation of blast doors and generators, which is civil engineering-type work, not applicable to the scope of DESP II.

Agency Report, Tab 4, Source Selection Decision, at 10.

Based on the determination that CACI's proposal did not address the capabilities sought regarding this requirement and, more specifically, addressed construction activities that the solicitation stated could be only incidental to contract performance, CACI's proposal was rated "Unacceptable (Red)" under the technical capabilities subfactor.

⁸ With regard to the "E.5" requirement, offerors were directed to discuss their capabilities in the context of one of the following applications: power transmission equipment; electric motors, generators, etc; automatic test equipment; test facilities; or system safety. Agency Report, Tab 8, PWS, at 23.

Upon completion of the agency's evaluation of all proposals, the agency determined that it would not engage in discussions with the offerors.⁹ In selecting proposals for award, only proposals without technical deficiencies were considered; specifically, any proposal rated "Unacceptable (Red)" with regard to its proposed technical capabilities was considered ineligible for award. Accordingly, due to CACI's evaluated deficiency with regard to the "E.5" requirement, the proposal was not further considered for award.¹⁰ CACI was notified of its non-selection on June 29. This protest followed.

DISCUSSION

CACI first challenges the substance of the agency's determination that CACI's proposal failed to comply with the "E.5" solicitation requirement as "arbitrary and unreasonable," complaining that the agency should have understood that CACI's engineering capabilities were "implicit" in this portion of its proposal. Protest at 7, 8.

It is an offeror's responsibility to submit a well-written proposal, with adequately detailed information, which clearly demonstrates compliance with the solicitation requirements and allows a meaningful review by the procuring agency. Ace Info. Solutions, Inc., B-295450.2, Mar. 7, 2005, 2005 CPD ¶ 75 at 8; Communications Data Sys. Assocs., B-223988, Oct. 29, 1986, 86-2 CPD ¶ 491. Procuring agencies have considerable discretion in evaluating technical proposals and, in reviewing protests challenging an agency's evaluation of technical requirements, our Office will not reevaluate offerors' proposals; rather, our review is limited to considering whether the agency's evaluation of competing proposals was reasonable, consistent, and in accord with law, regulation and the terms of the solicitation. L-3 Communications Westwood Corp., B-295126, Jan. 19, 2005, 2005 CPD ¶ 30 at 5. A protester's mere

⁹ The RFP specifically advised offerors that "the Government reserves the right to award without discussion." Agency Report, Tab 8, RFP, at 77.

¹⁰ The agency also states that CACI's proposal contained an "inadequacy" with regard to another requirement, identified as "I.5" (environmental, health & safety related to space systems). Contracting Officer's Statement at 17. In light of our conclusion that the agency reasonably evaluated CACI's proposal as deficient with regard to the E.5 requirement, and properly excluded CACI's proposal from consideration on that basis, we need not address additional bases for CACI's exclusion from consideration.

disagreement with an agency's judgment is not sufficient to establish that the agency acted unreasonably. Purification Indus., Inc., B-261984, Sept. 20, 1995, 95-2 CPD ¶ 143 at 5.

Here, the portion of CACI's proposal responding to the "E.5" requirement only addressed "reconstruction" efforts on a particular contract performed at Andersen Air Force Base, Guam. In pursuing this protest, CACI expressly recognizes that the "reconstruction" efforts described in its proposal necessitated the engineering and professional service that the solicitation sought, acknowledging that "an engineering firm had to design this work and make sure that it was environmentally safe, that necessary permits were obtained, and that health risks were minimized." Protester's Comments, Sept. 6, 2005, at 15. Rather than discussing the capabilities the solicitation sought, CACI's proposal merely referred to construction activities (installation of generators, replacement of blast doors, and burial of electrical lines)—work the PWS expressly provided could only be "incidental" to contract performance. On this record, we find no basis to question the reasonableness of the agency's determination that CACI's proposal failed to meet the solicitation requirements.¹¹

CACI next protests that the agency failed to adequately document its determination regarding CACI's failure to meet the "E.5" requirements. Specifically, CACI asserts that "not a single one of the eight evaluators found CACI's discussion of E.5 to be deficient." Protester's Comments, Sept. 6, 2005, at 1. Accordingly, CACI asserts that the agency's determination that CACI's proposal failed to comply with the E.5 requirement was not adequately documented. We disagree.

Source selection officials in negotiated procurement have broad discretion in determining the manner and extent to which they will make use of the technical and

¹¹ CACI also asserts that its proposal should have been evaluated as complying with the "E.5" requirements based on the narrative discussion in CACI's proposal that responded to (and referenced only) the "C.5" requirements (related to munitions/missiles). Protester's Comments, Sept. 6, 2005, at 17-18. As discussed above, the solicitation clearly required that an offeror reference "the alpha and numeric indicator" associated with the particular requirement being addressed. Further, as noted above, an offeror is responsible for clearly demonstrating compliance with the solicitation requirements. Here, it is not readily apparent that CACI's discussion responding to the "C.5" requirement could reasonably be construed as meeting the "E.5" requirement; CACI acknowledges that, at the time it wrote its proposal it had no expectation that the agency would consider this portion of its proposal in evaluating the "E.5" requirements. Id. Accordingly, on the record here, CACI's assertion that the agency should have relied on CACI's discussion responding to the "C.5" requirements as a basis to find its proposal compliant with the "E.5" requirements provides no basis for sustaining its protest.

cost evaluation results. Colonial Storage Co.; Paxton Van Lines, Inc., B-253501 et al., Oct. 19, 1993, 93-2 CPD ¶ 234. In exercising this discretion, selection decisions are subject only to the tests of rationality and consistency with the RFP evaluation criteria. Nonetheless, implicit in the foregoing is that selection decisions must be documented in sufficient detail to show that they are not arbitrary. Id.; Hydraudyne Sys. and Eng'g B.V., B-241326; B-241326.2, Jan. 30, 1991, 91-1 CPD ¶ 88.

Here, the contemporaneous evaluation worksheets indicate that two evaluators specifically documented their concerns that CACI's proposal failed to comply with the "E.5" requirements. One of these evaluator's stated, "for environmental E.5 [CACI's] description sounded more like construction type work." Similarly, a second evaluator stated, "E5, what does [CACI's subcontractor] do[] to address Environ, Health & Safety." Agency Report, Tab 11, Technical Capability Subfactor Summary Document, at 2. Thereafter, as noted above, the agency's source selection document stated: "[CACI's] proposal narrative failed to identify the engineering-type work required as defined in the Performance Work specification for this Functional Category. CACI's proposal discussed the installation of blast doors and generators, which is civil engineering-type work, not applicable to the scope of DESP II." Agency Report, Tab 4, Source Selection Decision, at 10. We view the final agency decision here, that CACI's proposal was deficient with regard to the "E.5" requirements, to be consistent with the initial concerns that were expressed--and documented--by the evaluators. Accordingly, we find no merit in CACI's assertion that the agency's decision was inadequately documented.

In summary, where the agency properly made its award decisions on the basis of initial proposals, the agency reasonably concluded that CACI's proposal failed to comply with the solicitation's mandatory requirements and, therefore, that the proposal was ineligible for award.

The protest is denied.

Anthony H. Gamboa
General Counsel